

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: DAVOL, INC./C.R. BARD, INC.,
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION**

Case No. 2:18-md-2846

**CHIEF JUDGE EDMUND A. SARGUS,
JR. Magistrate Judge Kimberly A. Jolson**

**This document
relates to:
ROSELIND FOLK
AND CONRAD
FOLK, HER
HUSBAND**

Civil Action No. Case No. 2:18-md-2846

AMENDED SHORT FORM COMPLAINT

Plaintiff(s) file(s) this Amended Short Form Complaint pursuant to Case Management Order No.2 and Rule 15(a)(1), Fed. R. Civ. Proc and is/are to be bound by the rights, protections, and privileges and obligations of that Order. Plaintiff(s) hereby incorporate(s) the Master Complaint in MDL No. 2846 by reference. Plaintiff(s) further show(s) the Court as follows:

1. The name of the person implanted with Defendants' Hernia Mesh Device(s): Roselind Folk

2. The name of any Consortium Plaintiff(if applicable):

Conrad Folk

3. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator): None

4. State of Residence:

Florida

5. District Court and Division in which action would have been filed absent direct filing:

Middle District of Florida, Jacksonville Division

6. Defendants (Check Defendants against whom Complaint is made):

- ☒ A. Davol, Inc.
- ☒ B. C.R. Bard, Inc.
- ☐ C. Other (please list: _____)

7. Identify which of Defendants' Hernia Mesh Device(s) was/were implanted (Check device(s) implanted):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☐ Bard Mesh
- ☐ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☐ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug
- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch

- ☐ Ventralight ST
- ☐ Ventrío Patch
- ☒ Ventrío ST
- ☐ Visilex
- ☐ Other (please list in space provided below):

8. Defendants' Hernia Mesh Device(s) about which Plaintiff is making a claim (Check applicable device(s)):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☐ Bard Mesh
- ☐ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☐ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug

- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch
- ☐ Ventralight ST
- ☐ Ventrion Patch
- ☒ Ventrion ST
- ☐ Visilex
- ☐ Other (please list in space provided below):

9. Date of Implantation and state of implantation: 06/30/16, Florida

10. As of the date of filing this Short Form Complaint, has the person implanted with Defendants' Hernia Mesh Device(s) had subsequent surgical intervention due to the Hernia Mesh Device(s)? Yes x No

11. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
- ☐ Other: _____

12. Counts in the Master Complaint adopted by Plaintiff(s):

- ☒ Count I – Strict Product Liability- Defective Design
- ☒ Count II – Strict Product Liability- Failure to Warn
- ☒ Count III – Strict Product Liability- Manufacturing Defect
- ☒ Count IV– Negligence

- ☒ Count V– Negligence Per Se
- ☒ Count VI– Gross Negligence
- ☒ Count VII – State Consumer Protection Laws (Please identify applicable State Consumer Protection law(s)):

Section 501.201 et seq. FL Statutes

Florida Deceptive and Unfair Trade Practices Act

- ☒ Count VIII – Breach of Implied Warranty
- ☒ Count IX – Breach of Express Warranty
- ☒ Count X – Negligent Infliction of Emotional Distress
- ☒ Count XI – Intentional Infliction of Emotional Distress
- ☒ Count XII – Negligent Misrepresentation
- ☒ Count XIII – Fraud and Fraudulent Misrepresentation
- ☒ Count XIV – Fraudulent Concealment
- ☐ Count XV – Wrongful Death
- ☒ Count XVI – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other Count(s) (please identify and state factual and legal bases for other claims not included in the Master Complaint below):

- ☒ Jury Trial is Demanded as to All Counts
- ☐ Jury Trial is NOT Demanded as to All Counts; if Jury Trial is Demanded as to Any Count(s), identify which ones (list below):

s/ Paul E. Bueker

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

LAW OFFICES OF FRED TROMBERG

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SOUTHERN DISTRICT OF OHIO

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**DAVOL, INC.'S AND C.R. BARD, INC.'S SHORT FORM ADOPTION BY REFERENCE
ANSWER TO PLAINTIFFS' SHORT FORM ADOPTION BY REFERENCE
COMPLAINT**

Pursuant to Case Management Order No. 9, Defendants Davol, Inc. and C.R. Bard, Inc. ("Defendants"), by and through their undersigned counsel, hereby submit their Short Form Adoption by Reference Answer.

Defendants hereby incorporate by reference and adopt, as though restated in full, the Master Answer dated _____, 2018, including each and every Affirmative Defense, and deny all causes of action in the Master Complaint and Short-Form Adoption by Reference Complaint unless expressly admitted.

This Short-Form Adoption by Reference Answer is not intended to and shall not waive any applicable defenses available to Defendants at this time, and Defendants hereby reserve the right to respond to Plaintiff's individual complaint by way of any motions permissible under the Federal Rules of Civil Procedure or as set forth in CMO No. 9, at section _____.

Defendants demand a Jury Trial on all Counts.

Dated: _____

Respectfully submitted,

/s/ _____

[Insert Name]

[Insert Firm Name]

[Insert Firm Address]

[Insert Phone Number]

[Insert Fax Number]
[Insert E-mail]